



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/816,458	03/26/2001	Koji Fukunaga	862.C2154	6428

5514 7590 04/20/2006

FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

EXAMINER

SCHNEIDER, JOSHUA D

ART UNIT	PAPER NUMBER
----------	--------------

2182

DATE MAILED: 04/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/816,458

Applicant(s)

FUKUNAGA, KOJI

Examiner

Joshua D. Schneider

Art Unit

2182

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 March 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,5-9 and 13-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,5-9 and 13-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Fritz Fleming
FRITZ FLEMING
Supervisor PRIMARY EXAMINER 4/14/2006
GROUP 2100
AU2181

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/2/2006 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claims 1, 9, and 17, have been considered but are moot in view of the new ground(s) of rejection.

3. As applicant has not challenged the assertion in the reply after the Office action in which the common knowledge statement was made, the well known in the art statements are taken to be admitted prior art because applicant failed to traverse the examiner's assertion of official notice. *Chevenard*, 139 F.2d at 713, 60 USPQ at 241.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 1, 5-9, and 13-17 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Art Unit: 2182

6. With regards to claims 1, 9, and 17, a new limitation to a part of said predetermined addresses being used for indicating bus reset status on a remote bus connected to said communication control bus via a bridge has been added to each claim. No support for a limitation that connects the bus reset status to an address has been found in the specification. It is unclear how one would use a part of an address to indicate the bus reset status.

7. Dependant claims 5-8 and 13-16 are rejected for incorporating the same non-enabled subject matter as that which the subject matter depends.

8. All further rejections and objections are made in view of the specification as best understood in light of the previous objections and rejections.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 1, 5-9, and 13-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,233,611 to Ludtke et al. in further view of U.S. Patent 6,327,637 to Chang.

11. With regards to claims 1, 9, and 17, Ludtke teaches event reception means for receiving a predetermined event instruction irrespective of a type of high-level protocol, wherein when said event reception means receives an event instruction, an event corresponding to received instruction is generated (column 8, line 54, through column 9, line 25), said event reception means uses predetermined addresses as registers which are allocated in a serial bus register space in an address space of said information signal processing apparatus connected to a

Art Unit: 2182

communication control bus complying with IEEE 1394 (column 1, lines 53-59, column 3, lines 9-19, and column 9, line 59, through column 10, line 5). Ludtke does not teach part of said predetermined addresses being used for indicating bus reset status on a remote bus connected to the communication control bus via a bridge. Chang teaches an IEEE 1394 bus reset status being indicated in the register space of the physical layer (column 6, lines 56-64). It would have been obvious to one of ordinary skill in the art at the time of invention to combine the bus reset status of Chang with the event reception means of Ludtke in order to provide up to date status and control information in the automatically reconfiguring environment of the IEEE 1394 bus.

12. With regards to claims 5 and 13, Ludtke teaches comprising informing means for informing a user of the event (bus topology change, column 13, lines 24-42).

13. With regards to claims 6 and 14, Ludtke fails to explicitly teach event instruction includes one of an event instruction for controlling not to beep, an event instruction for controlling to continuously beep, and an event instruction for controlling to intermittently beep. However, instructions for beeping are well known in the art to grab the attention of a user, whether in the POST to indicate proper startup, or in a printer to indicate a user needed action such as adding paper. The sending of a printing event to a printer without paper could be considered an event instruction to control beeping. It would have been obvious to one of ordinary skill in the art at the time of invention to combine the well known use of beeping with the event reception and generation of Ludtke to create a system that notifies users of device features needing attention. As applicant has not challenged the assertion in the reply after the Office action in which the common knowledge statement was made, the well known in the art

Art Unit: 2182

statements are taken to be admitted prior art because applicant failed to traverse the examiner's assertion of official notice. *Chevenard*, 139 F.2d at 713, 60 USPQ at 241.

14. With regards to claims 7 and 15, Ludtke fails to explicitly teach the event instruction includes one of an event instruction for controlling not to emit light, an event instruction for controlling to continuously emit light, and an event instruction for controlling to flicker.

However, instructions for lights blinking are well known in the art to grab the attention of a user, whether in the hard drive to indicate the drive is busy, or in a printer to indicate a user needed action such as adding paper. The sending of a printing event to a printer without paper could be considered an event instruction to control light blinking. It would have been obvious to one of ordinary skill in the art at the time of invention to combine the well known use of lights blinking with the event reception and generation of Ludtke to create a system that notifies users of device features needing attention. As applicant has not challenged the assertion in the reply after the Office action in which the common knowledge statement was made, the well known in the art statements are taken to be admitted prior art because applicant failed to traverse the examiner's assertion of official notice. *Chevenard*, 139 F.2d at 713, 60 USPQ at 241.

15. With regards to claims 8 and 16, Ludtke fails to explicitly teach event instruction includes one of an event instruction for controlling not to execute power supply control, an event instruction for controlling to turn on a power supply, and an event instruction for controlling to turn off the power supply. However, instructions for enumeration are well known in the art to lower the power lines provided with certain bus types. The sending of a sleep event or an enumeration event instruction to control the power supply. Network power control is also well known. It would have been obvious to one of ordinary skill in the art at the time of invention to

Art Unit: 2182

combine the well-known use of sleep with the event reception and generation of Ludtke to create a system that minimizes the use of system. As applicant has not challenged the assertion in the reply after the Office action in which the common knowledge statement was made, the well known in the art statements are taken to be admitted prior art because applicant failed to traverse the examiner's assertion of official notice. *Chevenard*, 139 F.2d at 713, 60 USPQ at 241.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua D. Schneider whose telephone number is (571) 272-4158. The examiner can normally be reached on M-F, 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Huynh can be reached on (571) 272-4147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JDS

ft zm. Fleming
Supervisory FRITZ FLEMING
PRIMARY EXAMINER
GROUP 2100
AU 2181 4/14/2006